**THE HON'BLE Mr. JUSTICE N.V. RAMANA**

**WRIT PETITION No.20559 OF 1999**

**DATE: 07-12-2005**

Between:

J. Satyanarayana, S/o. Nagaiah,

aged about 57 years, Occ: Conductor,

E.No.31825, R/o. Edulagattupally,

Annaram Post, Manakondur Mandal,

Karimnagar District.

.. Petitioner

**AND**

The Labour Court-II

Rep. by its Presiding Officer,

4th Floor, Chandravihar Building,

Nampally, Hyderabad & another

.. Respondents

**THE HON'BLE Mr. JUSTICE N.V. RAMANA**

**WRIT PETITION No.20559 OF 1999**

**ORDER:**

Heard the learned counsel for the petitioner as well as the learned counsel for the respondents, and at their request, the matter is taken up for final disposal.

This Writ Petition is filed by the petitioner assailing the award dated 07-04-1994 made in I.D. No.234 of 1992 by the 1st respondent-Labour Court-II denying backwages and attendant benefits as arbitrary, unjust and violation of Articles 14, 16 and 21 of the Constitution of India and for a consequential direction to the 2nd respondent-Depot Manager, A.P.S.R.T.C. Bus Depot, Tandoor, Ranga Reddy District to pay backwages and increments by fixing the seniority in view of the continuity of service.

The case of the petitioner is that he is employed as Conductor in A.P. State Road Transport Corporation (for short 'Corporation') in 1967 and he discharged his duties with sincerity without any interruption till his removal from service by the 2nd respondent by order, dated 31-01-1984. The petitioner alleges that on 20-05-1983 while he was on duty on route Tandoor to Turumamidi, he got down from the bus at Stage No.4 and the Driver of the bus without observing the same moved the bus further in his absence and at Stage No.6, the Corporation officials made a check and issued a charge memo and thereafter issued charge sheet dated 02-06-1983 alleging that on 20-05-1983 on route Tandur to Turumamidi, a surprise check was conducted at stage No.6 at 10.10 p.m. and it was found that the petitioner did not issue tickets to four passengers and though he collected fare from one passenger failed to collect fare and he also failed to issue tickets to three more passengers who were alighting the bus at the time of check. The petitioner collected a concessional fare of 75 paise instead of 80 paise from one passenger by reissuing a ticket of Rs.1.30 paise and a passenger was overriding the journey.

A detailed counter affidavit is filed by the 1st respondent denying the case of the petitioner to grant attendant benefits and back wages.

Learned counsel for the petitioner contends that the punishment imposed by the Labour Court is rigorous and without any basis. He contends that through out 16 years service of the petitioner, he worked without any remark and the amount involved in the offence is very meager i.e., Rs.4.25 paise, hence denying back wages and attendant benefits is not justifiable.

Learned counsel for the respondents strongly oppose the writ petition contending that the petitioner is a habitual offender in committing cash and ticket irregularities.

A perusal of the material record shows that the petitioner was appointed as Apprentice Conductor in 1967 and he was absorbed as temporary conductor in March, 1971 and on earlier occasions also, he was suspended from service two times for certain cash and ticket irregularities and was removed from service. Thereafter, he was reinstated into service by the Labour Court award in I.D. No.139 of 1979 as fresh Conductor in August, 1979. Again for the irregularities committed by the petitioner, he was removed from service and on challenging the same by the petitioner in the Labour Court, the Labour Court by its award, dated 25-08-1994, reinstated him into service by protecting his earlier service and fixing his pay with the starting salary with a direction to the 2nd respondent that it may consider the

performance and seniority of service of the petitioner and may restore the last drawn pay by sanctioning increments after a period of two years of service.

In the light of the aforesaid adverse background of the petitioner, I am not inclined to accept the contentions urged by the learned counsel for the petitioner in support of the writ petition. The petitioner was served with memo and after issuing charge sheet and conducting a regular departmental enquiry, wherein the charges against the petitioner stood proved, he was removed from service and later on by the impugned award was reinstated into service. Once the offence is proved, notwithstanding the amount involved – whether paltry or substantial, the offender deserves punishment. In **U.P.S.R.T.C. v. Mahendra Nath Tiwari,** the Apex Court held that *even if it be only one passenger to whom the bus conductor has not issued ticket, it amounts to clear violation of duty imposed on him and a grave charge against him who is really in position of trust as far as employer is concerned and it constitutes a grave charge sufficient to dismiss him from service and the extent of pecuniary loss caused to his employer is not the relevant criteria*. In the instant case, as noticed above, the conduct of the petitioner is not satisfactory. He was habitual in committing cash and ticket irregularities right from his appointment in 1967 and even after his reappointment as fresh Conductor in August, 1979. Given the conduct of the petitioner, he does not deserve any sympathy. In fact, the Tribunal has taken a lenient view and ordered reinstatement of the petitioner into service, but without backwages and attendant benefits. Therefore, I find no reason to interfere with the impugned award passed by the Labour Court.

The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

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N.V. RAMANA, J

Date:07-12-2005.

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